

2005. Just 2 days ago, a 10 percent reduction in nursing reimbursements to nursing homes and skilled nursing home facilities was implemented. How are these critical facilities supposed to cope? How will their patients fare unless Congress addresses a reasonable level of care?

States and localities that operate hospitals and health clinics to treat the indigent and low-income populations rely on Medicaid revenues to help cover their costs. Low provider rates compound the effects of other losses that these facilities will be experiencing this year, including the dramatic drop in Federal revenues from the DSH cliff and reductions in State support, and reductions in the State support because of the implications at the State level.

I urge this body not to recess unless we can correct the problem and make sure that basic health care providers, our public hospitals and doctor networks, have the funds they need to give care when and where it is needed. It is our duty as the legislative branch of government not to abandon these responsibilities. We must do this, and we have to do it now.

I ask for support of my resolution.

The SPEAKER pro tempore. The Chair is prepared to rule on whether the resolution offered by the gentleman from California constitutes a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from California expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to complete action on a specific health care bill or other similar legislation and to ensure that health care providers are adequately funded.

As the Chair ruled yesterday, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The Chair would further add that the Chair understands the gentleman from California purported to invoke a question of the privileges of the House rather than a question of personal privilege.

Accordingly, the resolution offered by the gentleman from California does not constitute a question of the privileges of the House under rule IX and may not be considered at this time.

Mr. FARR of California. Mr. Speaker, I appeal the ruling of the Chair, and I ask to be heard on the appeal.

□ 1330

The SPEAKER pro tempore (Mr. THORNBERRY). The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HULSHOF

Mr. HULSHOF. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Missouri (Mr. HULSHOF) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FARR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 206, nays 192, not voting 34, as follows:

[Roll No. 440]

YEAS—206

Aderholt  
Akin  
Armey  
Bachus  
Ballenger  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Biggert  
Bilirakis  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boozman  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Castle  
Chabot  
Chambliss  
Coble  
Collins  
Combest  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
DeLay  
DeMint  
Diaz-Balart  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte

Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Hansen  
Hart  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Herger  
Hobson  
Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Kelly  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (KY)  
LoBiondo  
Lucas (OK)  
Manzullo  
McCrery  
McHugh  
McKeon  
Mica  
Miller, Dan  
Miller, Gary  
Miller, Jeff  
Moran (KS)  
Morella  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Peterson (PA)  
Petri  
PICKERING

Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schaffer  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sununu  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NAYS—192

Abercrombie  
Ackerman  
Allen

Andrews  
Baca  
Baird

Baldacci  
Baldwin  
Barrett

Becerra  
Bentsen  
Berkley  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Clay  
Clayton  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gordon  
Gutierrez  
Hall (TX)  
Harman  
Hill  
Hilliard  
Hinchey

Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loifgren  
Lowey  
Lucas (KY)  
Luther  
Lynch  
Maloney (NY)  
Markey  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender  
McDonald  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal  
Oberstar

Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandin  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Shows  
Skelton  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Turner  
Udall (CO)  
Udall (NM)  
Velazquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

NOT VOTING—34

Baker  
Barcia  
Callahan  
Clement  
Cooksey  
Cox  
Deal  
DeGette  
Fattah  
Ganske  
Green (TX)  
Gutknecht  
Hastings (FL)  
Hefley  
Hilleary  
Hoekstra  
Keller  
Klecza  
LaFalce  
Lampson  
Lewis (CA)  
Linder  
Maloney (CT)  
Mascara

McInnis  
McKinney  
Roukema  
Sawyer  
Schrock  
Slaughter  
Stump  
Stupak  
Tanner  
Towns

□ 1356

Ms. SOLIS and Mr. RAHALL changed their vote from “yea” to “nay.”

Mr. SMITH of Michigan changed his vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 448

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 448.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Ms. CARSON of Indiana. Mr. Speaker, I rise to a question of the privileges of the House, and offer a privileged resolution that I noticed yesterday pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of the programs and operations of the Federal Government.

Whereas to date the House has only considered five Appropriations bills.

Whereas President George W. Bush has ignored the requests of Amtrak for an Appropriation of \$1.2 billion, and has instead proposed only \$521 million in funding.

Whereas the House Appropriations Committee gutted funding for Amtrak with every Republican member of the Committee voting to cut funding, despite the dire impact this will have on their own districts.

Whereas instead of strong support and consistent growth in support for the nation's passenger rail system the President's FY 2003 Budget seeks to strangle Amtrak so that the Administration can begin to implement plans to privatize the system.

Whereas Amtrak provided a critical transportation need in the months after the terrorist attacks of September 11th, and has seen consistent growth in ridership despite continued levels of inadequate funding.

Whereas Amtrak serves more than 500 stations in 46 states and employs over 24,000 people, and Amtrak passengers on Northeast corridor trains would fill 250 planes daily or over 91,000 flights each year.

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year (FY) 2003 Transportation Appropriations, with an allocation of \$1.2 billion for Amtrak.

□ 1400

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will hear briefly from the gentlewoman from Indiana as to whether the resolution constitutes a question of privileges of the House under rule IX.

Ms. CARSON of Indiana. Mr. Speaker, article 1, section 9, of the Constitution states that no money shall be drawn from the Treasury but in consequence of appropriations made by law. It is the fiscal duty of the Congress to appropriate the money necessary to provide the funds needed to support the execution of programs and operations of the Federal Government. To date, only five of the 13 appropriations measures have been considered. Mr. Speaker, this inaction has hampered this body's constitutional duty and called into question its integrity.

The failure of this unrealistic budget resolution is especially true in respect to the fiscal year 2003 transportation appropriations bill in its funding for Amtrak. This inaction has hampered this body's constitutional duty. After the events of September 11, our Nation's air transportation system ground to a halt. After the Federal Aviation Administration grounded all flights following the terrorist attacks, travelers turned to Amtrak. Whether people had to travel for business, to help with rescue efforts or just to get home, Amtrak kept Americans moving during a time of national emergency. Amtrak ridership and revenues skyrocketed, led by the Northeast Corridor, which had a 13.5 percent revenue growth and a 4.6 percent ridership growth in 2001. For the system as a whole, revenue rose 8.2 percent and ridership 4.3 percent. The situation not only proved that Amtrak works but that passenger rail is a critical part of our transportation infrastructure.

Despite this, Mr. Speaker, we continue to drastically underfund Amtrak, jeopardizing not only the safety and security of this country but the jobs and the livelihoods of tens of thousands of Americans. We have been told that if Amtrak receives the full \$1.2 billion that both it and the Department of Transportation has recommended it receive, they will be able to begin to revitalize their operations, they will be able to revitalize and build upon the successes they have seen in the Northeast Corridor, they will be able to revitalize and build on rail service to areas of the country currently underserved by rail and, Mr. Speaker, they will be able to revitalize operations at their Beech Grove maintenance facility, which is in my district. They will be able to rehire the 228 employees who were furloughed back in February and rejuvenate a facility that has served this country since 1905. Workers at the plant right now are working 7 days a week to keep the facility running.

The SPEAKER pro tempore. The Chair requests the gentlewoman confine her remarks to the issue of whether the resolution constitutes a question of privileges of the House.

Ms. CARSON of Indiana. Mr. Speaker, my question of privilege regards the integrity of our proceedings as a House as prescribed by the Constitution. The United States Constitution conveys upon this body the power to originate appropriation measures. It is not only our responsibility but our duty and obligation to restate this message in this legislation about the importance of Amtrak.

I believe that we have probably not been in accordance with our constitutional responsibilities concerning appropriations and would argue that their continued inaction on such urgent priorities, as full funding of Amtrak, meets the test for privileged resolutions.

The SPEAKER pro tempore. The Chair is prepared to rule on the ques-

tion of whether the resolution offered by the gentlewoman from Indiana constitutes a question of privileges of the House under rule IX.

The resolution offered by the gentlewoman from Indiana expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to complete action on a general appropriation bill with regard to prescribed funding for Amtrak.

As the Chair ruled yesterday and earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of the privileges of the House under rule IX.

The mere invocation of the general legislative power of the purse provided in the Constitution coupled with a fiscal policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentlewoman from Indiana does not constitute a question of the privileges of the House under rule IX and may not be considered at this time.

Ms. CARSON of Indiana. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. CARSON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 192, not voting 36, as follows:

[Roll No. 441]

AYES—203

Aderholt	Buyer	Diaz-Balart
Akin	Calvert	Doolittle
Armey	Camp	Dreier
Bachus	Cannon	Duncan
Ballenger	Cantor	Dunn
Barr	Capito	Ehlers
Bartlett	Castle	Ehrlich
Barton	Chabot	Emerson
Bass	Chambliss	English
Bereuter	Coble	Everett
Biggert	Collins	Ferguson
Bilirakis	Combest	Flake
Blunt	Cox	Fletcher
Boehlert	Crane	Foley
Bonilla	Crenshaw	Forbes
Bono	Cubin	Fossella
Boozman	Culberson	Frelinghuysen
Brady (TX)	Cunningham	Gallagher
Brown (SC)	Davis, Jo Ann	Gekas
Bryant	Davis, Tom	Gibbons
Burr	DeLay	Gilchrest
Burton	DeMint	Gillmor